Office of General Counsel Federal Election Commission 999 E Street, NW Washington, DC 20463 FIECEIVED
FEDERAL ELECTION
COMMISSION
OFFICE OF GENERAL
COUNSEL

2008 APR 25 A 11: 34

MUR # 6001

Dear Counsel:

I, Jacob E. Perry, am filing this complaint pursuant to 2 U.S.C. § 437g(a)(1) seeking enforcement action against Orentlicher for Congress Principal Campaign Committee (Committee ID #C00442814) (the "Committee") and David Orentlicher (Candidate ID# H8IN07176) ("Orentlicher") for multiple violations of 2 U.S.C. § 431, et seq., the Federal Election Campaign Act (the "Act"), under the Commission's jurisdiction. It is clear that Orentlicher and his Committee has violated 2 U.S.C. § 441a, the provision of the Act limiting individual contributions to \$2300 per election, by accepting multiple excessive contributions from numerous individuals. The undersigned complainant urges the Commission to initiate an investigation into the allegations described below, to collect significant civil penalties from the individuals and entities that have violated the Act, and to enjoin these entities from committing similar violations in the future.

A copy of the relevant pages from the Committee's 2007 year-end FEC report (the "Report") detailing these excessive contributions is attached hereto.

Robert N. Bader Excessive Contributions

According to the Act, individuals are allowed to contribute a maximum of \$2300 per election (11 C.F.R 110.1, 110.17). On December 24, 2007, Robert N. Bader, 5262 Roland Dr., Indianapolis, Indiana 46228-2225, contributed \$2300 designated for the 2008 special election (see transaction ID# C4719400). Pursuant to the Act, this contribution constitutes the maximum Robert N. Bader can give towards Orentlicher's 2008 special election bid. Nevertheless, on December 24, 2007, Robert N. Bader again contributed \$2300 specifically designated for the 2008 special election (see transaction ID# C4719399). Thus, the December 24th contribution is excessive and should have been refunded within 60 days (11 C.F.R. 103.3(b)(3)).

Tori Bader Excessive Contributions

On December 24, 2007, Tori Bader, 5262 Roland Dr., Indianapolia, Indiana 46228-2225, contributed \$2300 designated for the 2008 special election (see transaction ID# C4719403). Pursuant to the Act, this contribution constitutes the maximum Tori Bader can give towards Orentlicher's 2008 special election bid. Nevertheless, on December 24, 2007, Tori Bader again contributed \$2300 specifically designated for the 2008 special election (see transaction ID# C4719402). Thus, the December 24th contribution is excessive and should have been refunded within 60 days (11 C.F.R. 103.3(b)(3)).

Ann Stack Excessive Contributions

On December 7, 2007, Ann Stack, 4131 N. Meridian St., Indianapolis, Indiana 46208-4014, contributed \$2300 designated for the 2008 special election (see transaction ID# C4719482). Pursuant to the Act, this contribution constitutes the maximum Ann Stack can give towards Orentlicher's 2008 special election bid. Nevertheless, on December 7, 2007, Ann Stack again contributed \$2300 specifically designated for the 2008 special election (see transaction ID# C4719481). Thus, the December 7th contribution is excessive and should have been refunded within 60 days (11 C.F.R. 103.3(b)(3)).

Redesignation is not an available remedy for Robert N. Bader's Excessive Contribution

Refunding Robert N. Bader's excessive contribution was the only remedy available to Orentlicher and the Committee; redesignation is not available. Redesignation allows the contributor to instruct the committee to use the excessive portion of a contribution for an election other than the one for which the funds were originally given. (see generally 11 C.F.R. 110.1(b)(5)). However, Robert N. Bader had already contributed the maximum towards Orentlicher's 2008 primary election and 2008 general election (see Robert's December 18, 2007 \$2300 contribution to Orentlicher's 2008 general election bid (transaction ID# C4719461) and Robert's December 24, 2007 \$2300 contribution to Orentlicher's 2008 primary election bid (transaction ID# C4719401)). Indeed, the Report shows a total election cycle contribution from Robert N. Bader of \$9200. Because Robert N. Bader had contributed the maximum for Orentlicher's 2008 special, primary, and general election bids, his second \$2300 contribution for the 2008 special election could not be redesignated (11 C.F.R. 110.1(b)(5)(ii)(1)-(4)).

Redesignation is not an available remedy for Tori Bader's Excessive Contribution

Refunding Tori Bader's excessive contribution was the only remedy available to Orentlicher and the Committee; redesignation is not available. Tori Bader had already contributed the maximum towards Orentlicher's 2008 primary election and 2008 general election (see Tori's December 18, 2007 \$2300 contribution to Orentlicher's 2008 general election bid (transaction ID# C4719462) and Tori's December 24, 2007 \$2300 contribution to Orentlicher's 2008 primary election bid (transaction ID# C4719404)). Indeed, the Report shows a total election cycle contribution from Tori Bader of \$9200. Because Tori Bader had contributed the maximum for Orentlicher's 2008 special, primary, and general election bids, her second \$2300 contribution for the 2008 special election could not be redesignated (11 C.F.R. 110.1(b)(5)(ii)(1)-(4)).

Redesignation is not an available remedy for Ann Stack's Excessive Contribution

Refunding Ann Stack's excessive contribution was the only remedy available to Orentlicher and the Committee; redesignation is not available. Ann Bader contributed the maximum towards Orentlicher's 2008 primary election and 2008 general election (see Ann's December 31, 2007 \$2300 contribution to Orentlicher's 2008 general election bid (transaction ID# C4719677) and Ann's December 31, 2007 \$2300 contribution to Orentlicher's 2008 primary election bid (transaction ID# C4719676)). Indeed, the Report shows a total election cycle contribution from Ann Stack of \$9200. Because Ann Stack had contributed the maximum for Orentlicher's 2008 special, primary, and general election bids, her second \$2300 contribution for the 2008 special election could not be redesignated (11 C.F.R. 110.1(b)(5)(ii)(1)-(4))..

Reattribution is not an available remedy

Reattribution is not available to Robert N. Bader's or Tori Bader's excessive contribution. With a reattribution, the contributor instructs the committee in writing to attribute the excessive portion of a joint contribution to another individual. However, Robert N. Bader's wife, Tori Bader, has already contributed the maximum to Orentlicher's 2008 special, primary, and general election bid (see above). Tori Bader's husband, Robert N. Bader, has already contributed the maximum to Orentlicher's 2008 special, primary, and general election bid (see above). Therefore, reattribution is not an available remedy to the excessive contributions of Robert N. Bader and Tori Bader (11 C.F.R. 110.1(k)(3)(ii)(B)(1)).

Limits were not increased due to Millionaire's Amendment

At the time of the excessive contributions, the limits were not increased due to an opponent's spending (see 2 U.S.C. § 441a(i)/441e-1) as verified by the failure of the Committee to check the increased limitation amount on Schedule A of the Report. Therefore, the excessive contributions cannot be allowed under the Millionaires' amendment.

Conclusion

Respectfully submitted.

Jacob E. Perry

The facts set forth above give the Commission reason to believe the Act has been violated. Therefore, the Commission should take action, find reason to believe a violation has occurred pursuant to 2 U.S.C. § 441a, and conduct an investigation of the activities and entities described above. The Commission's investigation should determine whether the alleged violations occurred, and whether any violations were committed in a knowing and willful manner. Upon completion of its investigation, the Commission should take the following actions:

- a. Assess civil penalties against all individuals and entities that have violated the Act. These penalties should be substantial enough to serve as a significant deterrent to future violations.
- b. Require those entities that have received excessive contributions to return those contributions, or the excessive portion thereof, to the contributors.
- c. Prohibit all individuals and entities that have violated the Act from committing similar violations in the future.

			
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